

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**PHOENIX LICENSING, L.L.C. and  
LPL LICENSING, L.L.C.,**

**Plaintiffs,**

**v.**

**THE ALLSTATE CORPORATION et al.,**

**Defendants.**

**Civil Action No. 2:09-cv-255-TJW**

**Jury Trial Demanded**

**JOINT MOTION TO DISMISS THE ALLSTATE  
CORPORATION WITHOUT PREJUDICE**

Plaintiffs Phoenix Licensing, L.L.C. and LPL Licensing, L.L.C. and Defendant The Allstate Corporation jointly move pursuant to Federal Rule of Civil Procedure 41(a)(2) for an order dismissing all claims between them in this action WITHOUT PREJUDICE, with each party to bear its own costs, expenses, and attorneys' fees.

Dated: November 24, 2009

Respectfully submitted,

By: /s/ Sean Luner (by permission Patrick Kelley)

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The Allstate Corporation**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing JOINT MOTION TO DISMISS THE ALLSTATE CORPORATION WITHOUT PREJUDICE was served on all counsel of record via electronic delivery this 24th day of November, 2009.

/s/ Patrick Kelley